No. 82-7003

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 81-7615

U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
FILED
MAY 31 1983
NORMAN E. ZOLLER
CLERK

IVON RAY STANLEY,

Plaintiff-Appellant,

versus

WALTER D. ZANT, Warden,
Georgia Diagnostic and
Classification Center,

Defendant-Appellee.

RECEIVED
JUL 6 - 1983
OFFICE OF THE CLERK
SUPREME COURT, U.S.

- - - - - - - - - - - - - -

Appeal from the United States District Court for the Middle District of Georgia

O R D E R :

( ) The motion of appellant, Ivon Ray Stanley for [X] stay [ ] recall and stay of the issuance of the mandate pending petition for writ of certiorari is DENIED.

(X) The motion of appellant, Ivon Ray Stanley for [X] stay [ ] recall and stay of the issuance of the mandate pending petition for writ of certiorari is GRANTED to and including July 1, 1983, the stay to continue in force until the final disposition of the case by the Supreme Court, provided that within the period above mentioned there shall be filed with the Clerk of this Court the certificate of the Clerk of the Supreme Court that the certiorari petition has been filed. The Clerk shall issue the mandate upon the filing of a copy of an order of the Supreme Court denying the writ, or upon the expiration of the stay granted herein, unless the above mentioned certificate shall be filed with the Clerk of this Court within that time.

( ) The motion of _____ for a further stay of the issuance of the mandate is GRANTED to and including _____, under the same conditions as set forth in the preceding paragraph.

( ) IT IS ORDERED that the motion of _____ for a further stay of the issuance of the mandate is DENIED.

UNITED STATES CIRCUIT JUDGE

MDT-4
(Rev. 6/82)

United States Court of Appeals
FOR THE ELEVENTH CIRCUIT

No. 81-7615

D.C. Docket No. 80-66-THOM

IVON RAY STANLEY,

Plaintiff-Appellant,

versus

WALTER D. ZANT, Warden,
Georgia Diagnostic and Classification Center,

Defendant-Appellee.

Appeal from the United States District Court for the

Middle District of Georgia

Before FAY, VANCE and ARNOLD*, Circuit Judges.

J U D G M E N T

This cause came on to be heard on the transcript of the record from the United States District Court for the Middle District of Georgia, and was argued by counsel;

ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby AFFIRMED.

February 10, 1983

FAY, Circuit Judge, concurring.
ARNOLD, Circuit Judge, sitting by designation, dissenting.

*Honorable Richard S. Arnold, U.S. Circuit Judge for the Eighth Circuit, sitting by designation.

ISSUED AS MANDATE:

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

U.S. COURT OF APPEALS
FILED

No. 81-7615

MAY 3 1983

NORMAN E. ZOLLER
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IVON RAY STANLEY,

Plaintiff-Appellant,

versus

WALTER D. ZANT, Warden,
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Appeal from the United States District Court for the
Middle District of Georgia

ON PETITION FOR REHEARING AND SUGGESTION FOR REHEARING EN BANC

(Opinion February 10, 11 Cir., 1983, _____F.2d_____).

(May 3, 1983)

Before FAY, VANCE and ARNOLD*, Circuit Judges.

PER CURIAM:

( ) The Petition for Rehearing is DENIED and no member of this panel nor Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure; Eleventh Circuit Rule 26), the Suggestion for Rehearing En Banc is DENIED.

(X) The Petition for Rehearing is DENIED and the Court having been polled at the request of one of the members of the Court and a majority of the Circuit Judges who are in regular active service not having voted in favor of it (Rule 35, Federal Rules of Appellate Procedure; Eleventh Circuit Rule 26), the Suggestion for Rehearing En Banc is also DENIED.

( ) A member of the Court in active service having requested a poll on the reconsideration of this cause en banc, and a majority of the judges in active service not having voted in favor of it, rehearing en banc is DENIED.

ENTERED FOR THE COURT:

David D. Vance

United States Circuit Judge

*Honorable Richard S. Arnold, U. S. Circuit Judge for the

REHC-6
(Rev. 6/82)